

PRIVACY POLICY

Last Modified: March 9, 2021

Phoenix Fitness & Yoga, L.L.C. (or “we”, “us”, or “our”) is responsible for this website and is the controller of data provided to us through it. We respect your privacy and aim to protect it along with your personal data. We currently operate the website www.phoenixfitnessandyoga.com and all software, applications, products, features and services made available, displayed or offered by or through our website (the “Service.”) This Privacy Policy is incorporated into, and part of, the Terms of Use (the “Terms of Use”), which governs your use of the Service in general.

1. Who We Are

This Site is published and maintained by or on behalf of Phoenix Fitness & Yoga, L.L.C, with offices located at 58 Meyers Corner, Staunton, Virginia 24401. Any questions about your data privacy or this privacy policy, please contact us in writing at the aforementioned address.

Third Party Links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

2. The Data We Collect About You and How We Collect It

We collect several different types of personal data from you depending on how you interact with our sites. Most of the information we collect is given to us by you through filling out forms, registering for an account, or otherwise providing information when asked. Because we may change our website and the services we offer from time to time, the means and methods to provide us with personal data may also change. Depending on how you interact with us and use the website, the personal data we collect may vary.

Please read below for the common ways in which we collect your personal data.

Creating an Account on the Sites

You are not required to provide any information to us. However, if you create an account with us, we collect data from you in order to associate the account with you. This information includes your full name, email address, a password you create, and other identifying information (“Account Information”). By default, we’ll only use your personal data to administer your account and to provide the products and services you requested from us.

Personal Information

Once you have created an account, you are free to provide other personal information about yourself. By providing this information you are consenting to our processing of it. You may edit, delete, and otherwise change this information at any time.

Enrolling in Classes or Purchasing Memberships

If you enroll or sign up for an event or class or purchase a recurring membership, you will be asked to provide information about yourself. This may include Contact Information, Billing Information, Personal Bio, and other information. We use this information for various purposes, including verifying your identity, ensuring that the rules and requirements are complied with, recording participation, preventing fraud and ensuring the safety of participants.

Making a Purchase

When you make a purchase on our website or elsewhere, we collect your contact information, shipping address, payment card information/account information and billing address (“Billing Information”). We use this information to process payment, process shipments of goods, and for legitimate interests like preventing fraud.

Entering Sweepstakes and Contests

If you decide to enter into a contest or sweepstakes we sponsor, you agree to provide information on necessary to enter and fulfill all of the terms of the contest or sweepstakes. This information varies depending on the contest/sweepstakes, and we will provide you with more information about how your information is used in the related documentation.

Message Boards and User Contributions

When you volunteer information on a message board, comment section, chat feature, or other public comment section, you consent to our processing of that information as you would in any other public forum. Depending on the forum and the comment, we may collect, store, and use that information for various reasons. All Site users must comply with our Terms and Conditions regarding the user contributions.

Information Collected Automatically From Using Our Service

As you interact with our Service, we may automatically collect information about your equipment, browsing actions and patterns (“Technical Data”). We collect this technical data by using cookies and other similar technologies. Technical data may include your IP address; device identifier data, the type of device you use, your operating system and version, the URLs of our web pages that you visit, the URLs of referring and exiting pages, the pages you view, the time spent on a page, the number of clicks made, the platform type, and generalized, non-specific location data. When we collect data that does not identify you as a natural person, we are permitted to use and disclose this information for any purpose, notwithstanding anything contrary in this notice, except where prohibited by law.

Like many websites, our server logs capture technical data automatically as you browse. We also use cookies.

3. How We Use Your Personal Data

We will only use your personal data when allowed by law. Generally, we will use your personal data: (a) where we need to perform the contract we are about to enter into or have entered into with you; (b) where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests; and (c) where we need to comply with a legal or regulatory obligation.

4. Disclosures of Your Personal Data

From time to time, we may need to share your personal data with others. Some of your data will be shared with the general public, including:

Third-Party Service Providers—We may share your information, including but not limited to contact data and technical data, with third party service providers who perform various functions to enable us to provide our services and help us operate our business, such as website design, sending email communications, fraud detection and prevention, customer care, payment processing, or performing analytics. Our contracts with these third parties require them to maintain the confidentiality of the personal data we provide to them, only act on our behalf and under our instructions, and not use personal data for purposes other than the product or service they’re providing to us or on our behalf.

With Unaffiliated Controllers—In some cases we may transfer personal data to unaffiliated third-party data controllers. These third parties do not act as agents or service providers and are not performing functions on our behalf. We may transfer your personal data to third-party data controllers for the following purposes: 1) to provide you with third-party offers; 2) to provide us information about the quality of our services offerings. We will only provide your personal data to third-party data controllers where you have not opted-out of such disclosures, or in the case of sensitive personal data, where you have opted in if the disclosure requires consent. We enter into written contracts with any unaffiliated third-party data controllers requiring them to provide the same level of protection for your personal information that is required of us. We also limit their use of your personal data so that it is consistent with any consent you have provided and with the notices you have received.

Protection of Others—We may share personal data when we believe it is appropriate to enforce or apply our Terms of Service and other agreements; or protect the rights, property, or safety of Phoenix Fitness & Yoga, L.L.C, our employees, products and services, our users, or others. This includes exchanging information with other companies and organizations for fraud protection and risk reduction. This does not include selling, renting, sharing, or otherwise disclosing personal data of our customers for commercial purposes in violation of the commitments set forth in this notice.

Response to Subpoenas and Other Legal Requests—We may share your information with courts, law enforcement agencies, or other government bodies when we have a good faith belief we’re required or permitted to do so by law, including to meet national security or law enforcement requirements, to protect our company, or to respond to a court order, subpoena, search warrant, or other law enforcement request.

Sale of Our Business—If we sell, merge, or transfer any part of our business, we may be required to share your information. If so, you will be asked if you’d like to stop receiving promotional information following any change of control.

With Your Consent—Other than as set out above, we will provide you with notice and the opportunity to choose when your personal data may be shared with other third parties.

5. SMS Messages

We may make available a service through which you can receive messages on your wireless device via short message service (“SMS Service”). If you subscribe to one of our SMS Services, you thereby agree to receive SMS service messages at the address you provide for such purposes.

6. Data Security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

7. Data Retention

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. In some circumstances you can ask us to delete your data (see “EU Data Subjects Legal Rights”). In some circumstances we may anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

8. Children’s Privacy

We are committed to complying with the Children’s Online Privacy Protection Act (COPPA).

9. Updates to Our Privacy Notice

By using this website, you agree to the terms and conditions contained in this Privacy Notice and Conditions of Use and/or any other agreement that we might have with you. If you do not agree to any of these terms and conditions, you should not use this website. You agree that any dispute over privacy or the terms contained in this Privacy Notice will be governed by the laws of the Commonwealth of Virginia. You also agree to arbitrate such disputes in Virginia and to abide by any limitation on damages contained in any agreement we may have with you.

This notice is expected to change from time to time. We reserve the right to amend this Notice at any time and provide notice to you by posting of the amended Privacy Notice on the website. We may also email you to give you notice of material changes to this Notice. The provisions contained herein supersede all previous notices or statements regarding our privacy practices and the terms and conditions that govern the use of this website.

10. How to Contact Us

If you have any questions or wish to register a complaint in relation to this Privacy Notice or the manner in which your personal data is used by us, please contact us by any of the following means:

By mail: 58 Myers Corner, Staunton, Virginia 24401

By email: trish@phoenixfitnessandvoga.com

By telephone: (540) 649-1671